**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY**
**Navajo Nation Operating Permit Program**
**Rt. 112 North, Building F004-051**
**P.O. Box 529, Fort Defiance, AZ 86504**

**Detailed Information**

**Permitting Authority: NNEPA**

**County:** Apache **State:** Arizona **AFS Plant ID:** 04-001-N0611

**Facility:** El Paso Natural Gas Company - Window Rock Compressor Station
**Document Type:** STATEMENT OF BASIS

PART 71 FEDERAL OPERATING PERMIT
STATEMENT OF BASIS

El Paso Natural Gas Company
Window Rock Compressor Station

Permit No. NN OP 05-009

## 1. Facility Information

### a. Permittee

El Paso Natural Gas Company - Window Rock Compressor Station
W 1/2 NE 1/4 Section 34, Township 26-N, Range 30-E
22 Miles West of Gallup, NM, Arizona

**Mailing Address:**
2 North Nevada Ave
Colorado Springs, Colorado 80903

**Owner:**
El Paso Natural Gas Company (EPNG)
2 North Nevada Avenue
Colorado Springs, Colorado 80903

### b. Contact Information

Facility Contact: Richard Duarte, Environmental Representative
Phone: (505) 831-7763
Facsimile: (505) 831-7739

Responsible Official: Sam A. Armenta, Albuquerque Division Director
Phone: (505) 831-7772
Facsimile: (505) 831-7739

## c. Description_of_Operations,_Products

The facility is a natural gas compressor station which performs gas inlet separation and natural gas compression.

## d. History

This source is an existing natural gas compressor station consisting of inlet separation and natural gas compression. This plant was initially constructed in 1958 and consisted of six (6) engines (A-01 through A-06) and three (3) auxiliary power units (AUX A-01 through AUX A-03). The reciprocating units B-01 through B-06 were added to the facility between 1959 and 1966. The source was issued a PSD permit (AZP 90-1) by EPA for the installation of the Solar Centaur H simple-cycle turbine (A-07) on October 25, 1991.

The initial Title V permit for this source was issued by EPA on December 25, 2000. The Title V renewal permit application was submitted on June 24, 2005.

## e. Existing Approvals

The source has been operating under Part 71 Operating Permit NN-OP-00-05, issued on December 25, 2000, and the following approvals:

First Administrative Amendment, issued on January 14, 2005.

All conditions from previous approvals were incorporated into this Part 71 permit renewal, except for the following:

The permittee has elected to not to monitor the total sulfur content of the NG combusted in turbine A-07 by using the natural gas which meets the definition in 40 CFR 60.331(u), pursuant to 40 CFR 60.334(h)(3). The permittee has provided an excerpt from its current tariff from the Federal Energy Regulatory Commission (FERC) demonstrating that the fuel delivered to this plant satisfied the "natural gas" definition in 40 CFR 60.331(u). Therefore, Conditions II.C.1 through 3 in NN-OP 00-05, issued on December 25, 2000 have been removed.

## f. Permitted Emission Units and Control Equipment

| Unit ID/ Stack ID | Unit Description | Maximum Capacity | Commenced Construction Date | Control Device |
|---|---|---|---|---|
| A-01 through A-06 | Six (6) natural gas-fired engines, Worthington SUTC-1610 | 19.0 MMBtu/hr 2,500 hp (each) | 1958 | N/A |
| A-07 | One (1) natural gas-fired simple-cycle turbine, Solar Centaur 50-T5502. This unit is equipped with a NOx CEM. | 42.3 MMBtu/hr 4,530 hp | 1992 | Dry Low-NOx combustion |
| B-01 | One (1) natural gas-fired engines, Worthington SUTC-1610 | 19.0 MMBtu/hr 2,500 hp | 1959 | N/A |
| B-02 and B-03 | Two (2) natural gas-fired engines, Worthington SUTC-1610 | 19.0 MMBtu/hr 2,500 hp (each) | 1960 | N/A |
| B-04 | One (1) natural gas-fired engine, Worthington SUTC-1610 | 19.0 MMBtu/hr 2,500 hp | 1964 | N/A |
| B-05 | One (1) natural gas-fired engine, Worthington SUTC-1610 | 20.5 MMBtu/hr 2,700 hp | 1964 | N/A |
| B-06 | One (1) natural gas-fired engine, Worthington ML-10 | 21.3 MMBtu/hr 2,800 hp | 1966 | N/A |
| AUX-01 through AUX-03 | Three (3) natural gas-fired engines for auxiliary power, Ingersoll-Rand PSVG-10 | 5.8 MMBtu/hr 680 hp (each) | 1958 | N/A |

## g. Unpermitted Emission Units and Control Equipment

No unpermitted emission units were found to be operating at this source during this review process.

## h. New Emission Units and Control Equipment

There are no new emission units or pollution control equipment included in this Part 71 operating permit renewal.

## i. Insignificant Activities

This stationary source also includes the following insignificant activities as defined in 40 CFR 71.5(c)(11)(ii), which is defined as emission units with potential to emit of each criteria pollutant less than 2 tons per year and potential to emit a single HAP less than 0.5 per year or the de minimis level established under CAA 112(g), whichever is less:

(a) Fugitive VOC emissions from connections, flanges, open-ended lines, valves, and other components.

(b) Emergency shut down system and pressure relief valves.

(c) Blowdown activities (during startup & shutdown)

(d) Emission unit, operation, or activity that handles or stores a VOC or HAP organic liquid with a vapor pressure less than 1.5 psia.

**j. Enforcement Issue**

There are no enforcement actions pending.

**k. Emission Calculations**

See Appendix A of this document for detailed calculations (pages 1 through 5).

**2. Potential to Emit after Issuance**

Potential to emit (PTE) means the maximum capacity of a source to emit any air pollutant (Clean Air Act criteria pollutants or hazardous air pollutants) under its physical and operational design. Any physical or operational limitations on the maximum capacity of this plant to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, may be treated as a part of its design if the limitation is enforceable by US EPA or NNEPA. Actual emissions are typically lower than PTE.

| | Potential to Emit (tons/year) | | | | | | |
|---|---|---|---|---|---|---|---|
| **Process/facility** | **PM** | PM-10 | $SO_2$ | NOx | VOC | CO | HAPs |
| Engines A-01 through A-06 | 19.2 | 24.1 | 0.29 | 1,955 | 59.9 | 1,293 | 58.0 |
| Engine A-07 | 0.35 | 1.22 | 0.63 | 26.7 | 0.39 | 22.3 | 14.3 |
| Engines B-01 through B-06 | 19.8 | 24.9 | 0.30 | 2,018 | 61.9 | 1,189 | 40.0 |
| Auxiliary Engines AUX A-01 through A-03 | 0.76 | 1.48 | 0.04 | 481 | 2.26 | 522 | 2.44 |
| Insignificant Activities* | Less than 5.00 | Less than 5.00 | - | - | Less than 5.00 | - | Negligible |
| PTE of the Entire Source | 45.1 | 56.8 | 1.27 | 4,481 | 129 | 3,025 | 115 |
| Title V Major Source Thresholds | NA | 100 | 100 | 100 | 100 | 100 | 10 for a single HAP and 25 for total HAPs |

*Note: This is an estimate of the PM/PM10 emissions from the fugitive VOC and PM emissions from equipment leaks, blowdown, and pressure relief valves.

(a) The potential to emit of NOx, VOC, and CO are equal to or greater than 100 tons per year. In addition, the potential to emit of HAPs from this

source is greater than 10 tons per year for a single HAP and greater than 25 tons per year for total HAPs. Therefore, this source is considered a major source under 40 CFR 71 (Federal Operating Permit Program).

(b) This source is located in an attainment area and is not in one of the 28 source categories defined in 40 CFR 52.21(b)(1)(iii). The potential to emit NOx and CO are greater than 250 tons per year. Therefore, this source is an existing major source under the Prevention of Significant Deterioration (PSD) program.

(c) This source is not in one of the 28 listed source categories under 40 CFR 52.21(b)(1)(iii). However, there is an applicable New Source Performance Standard (NSPS) that was in effect on August 7, 1980 (NSPS, Subpart GG). This NSPS includes emission limits for NOx and $SO_2$. Therefore, fugitive NOx and $SO_2$ emissions from this source are counted toward determinations associated with PSD review.

### m. Actual Emissions

The following table shows the actual emissions from the source. This information reflects the 2004 emission inventory data submitted by the permittee.

| Pollutant | Actual Emissions (tons/year) |
|---|---|
| PM | Not Reported |
| PM10 | 37.3 |
| $SO_2$ | 0.70 |
| VOC | 90.6 |
| $NO_x$ | 2,261 |
| Formaldehyde | 48.1 |
| Acetaldehyde | 25.6 |

## 3. Tribe Information

### a. General

The reservation of the Navajo Nation is one of the largest Indian reservations in the country, covering more than 26,000 square miles in three states: Arizona, Utah, and New Mexico. The Navajo Nation currently is home to more than 260,000 people. Industries on the reservation include oil and natural gas production, coal and uranium mining, electric generation and distribution, and tourism.

### b. Local air quality and attainment status

All areas of the Navajo Nation are currently designated as attainment or unclassifiable for all pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established.

## 4. Prevention of Significant Deterioration (PSD) Applicability

This source was constructed in 1958 and modified in 1959, 1960, 1962, 1964, and 1992. The initial construction of this source in the 1950s and the modifications in the 1960s predated the PSD applicability date. Therefore, the construction of this source and the modifications in the 1960s were not subject to the PSD program. This existing source is not in one of the 28 source categories defined in 40 CFR 52.21(b)(1)(iii) and has potential to emit NOx and CO greater than 250 tons per year. Therefore, this source is an existing PSD major source.

The modification that commenced in 1992 (the installation of the Solar Centaur simple cycle turbine A-07) had the potential to emit greater than the significant modification thresholds in 40 CFR 52.21 for NOx and CO. Therefore, U.S. EPA issued PSD permit AZP 90-1 on October 25, 1991 for the installation of unit A-07. This permit contained the following limits for NOx and CO for the turbine A-07 to meet the requirements of PSD:

(a) The permittee shall not discharge or cause the discharge into the atmosphere NOx (as $NO_2$) in excess of the more stringent of 6.1 lb/hr or 42 ppmvd of NOx at 15% $O_2$ (3-hour rolling average, ISO conditions) from the stack venting gas turbine A-07. [PSD permit AZP 90-1 Condition IX.D]

(b) The permittee shall not discharge or cause the discharge into the atmosphere CO in excess of the more stringent of 5.10 lb/hr of 50 ppmvd at 15% $O_2$ (3-hour rolling average) from the stack venting gas turbine A-07. [PSD Permit AZP 90-1 Condition IX.D]

(c) The permittee shall not discharge or cause the discharge into the atmosphere any gases with an opacity in excess of 10% (six-minute rolling average) from the stack venting the Solar Centaur H gas transmission turbine (unit A-07). [PSD permit AZP 90-1 Condition IX.D]

(d) The permittee shall install and continuously operate a dry low NOx combuster for control of NOx emissions from gas turbine A-07. [PSD permit AZP 90-1 Condition IX.B]

PSD Permit AZP 90-1 additionally requires the use of a continuous emissions monitoring system (CEMS) to monitor NOx, CO, and O2 from gas turbine A-07.

## 5. Federal Rule Applicability

(a) New Source Performance Standard (NSPS) for Stationary Gas Turbines (40 CFR 60.330-60.335, Subpart GG):

There is one (1) turbine (A-07) at this source. Turbine A-07 is a simple cycle turbine with a maximum heat input greater than 10 MMBtu per hour and constructed in 1992, after the applicability date of NSPS, Subpart GG. Therefore, Turbine A-07 is subject to the requirements of 40 CFR, Subpart GG and the general provisions of 40 CFR 60, Subpart A. Pursuant to 40 CFR, Subpart GG, the permitee shall comply with the NOx and $SO_2$ emission limits below for turbine A-07:

1. Pursuant to 40 CFR 60.332(a)(2), NOx emissions from turbine A-07 shall not exceed the following:

   STD = 0.015 x (14.4 / Y) + F

   where:
   STD = allowable ISO corrected (if required as given in §60.335(b)(1)) NOx emission concentration (percent by volume at 15 percent oxygen and on a dry basis).
   Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour.
   F = $NO_X$ emission allowance for fuel-bound nitrogen as defined in 40 CFR 60.332(a)(4) of this section.

2. Pursuant to 40 CFR 60.333(b), the total sulfur contained in the fuel combusted shall not exceed 0.8 percent by weight (8,000 ppmw).

The permittee has elected to not to monitor the total sulfur content of the NG combusted in turbine A-07 by using the NG which meets the definition in 40 CFR 60.331(u), pursuant to 40 CFR 60.334(h)(3). The permittee has provided an excerpt from its current tariff from the Federal Energy Regulatory Commission (FERC) demonstrating that the fuel delivered to this plant satisfied the "natural gas" definition in 40 CFR 60.331(u). No further compliance monitoring requirements under this NSPS are applicable to turbine A-07. The permittee has performed a compliance stack test for turbine A-07 in 2004.

In order to streamline overlapping requirements, NNEPA has evaluated the NOx emission limits, monitoring, and recordkeeping requirements of the PSD BACT requirements for turbine A-07 (established in AZP 90-1, issued on October 25, 2001) and NSPS Subpart GG. The comparison between the requirements in NSPS,

Subpart GG and the PSD BACT requirements for turbine A-07 is listed in the table below:

| Requirements | PSD Permit AZP 90-1 | 40 CFR 60, Subpart GG |
|---|---|---|
| **Emission limits** | 42 ppmvd NOx at 15% $O_2$ or 0.0042 percent by volume at 15% $O_2$ (3 hour rolling average, ISO conditions) [PSD Permit AZP 90-1 Condition IX.D] | 0.016 percent by volume NOx at 15 % $O_2$ (3 hour rolling average, ISO conditions) [40 CFR 60.332(a)(2)] |
| | Operate a dry low NOx combustor for control of NOx emissions [PSD Permit AZP 90-1 Condition IX.D] | |
| **Monitoring and Testing Requirements** | Annual performance testing conducted in accordance with test methods set in 40 CFR 60.8 and Appendix A [PSD Permit AZP 90-1 Condition IX.C.1.a and b]<br><br>Access to sampling ports in accordance with 40 CFR 60.8(e) [PSD Permit AZP 90-1 Condition IX.C.3] | Initial performance tests as required under 40 CFR 60.8. The permittee is not required to monitor nitrogen content unless the permittee claims an allowance for fuel bound nitrogen. EPNG does not claim fuel bound nitrogen. [40 CFR 60.334(h)(2)] |
| | Installation of CEMS. Each CEMS must be installed and certified according to [PSD Permit AZP 90-1 Condition IX.E.1a, b] | Installation of CEMS (optional) [40 CFR 60.334(b)(1) and 60.334(c)] |
| | Maintain a QAP for the certification and operation of CEMS [PSD Permit AZP 90-1 Condition IX.E.6] | |
| **Recordkeeping** | Recordkeeping for all monitoring [PSD permit AZP 90-1 Condition IX.E.7] | |
| **Reporting** | Excess emissions reporting to NNEPA and U.S. EPA for every calendar quarter. [PSD permit AZP 90-1 Condition IX.E.3] | Excess emissions reporting as required under 40 CFR 60.7(c). [40 CFR 60.334(j)] |

The NOx emission limit under 40 CFR 60.332(a)(2) was calculated using the manufacturer's rated heat rate at manufacturer's rated load, assuming an 80% load and average inlet air temperature of 60ºF. Compliance with the PSD BACT limit

of 6.1 lb/hr or 42 ppmvd NOx at 15% $O_2$ (3-hour rolling average, ISO conditions), which was established in PSD Permit AZP 90-1, issued October 25, 2001, ensures compliance with the NOx emission limit in 40 CFR 60.332(a) for turbine A-07. This limit is equivalent to 0.0042 percent by volume, which is less than the maximum allowable NOx emission concentration of 0.016 percent by volume required under the NSPS.

Additionally, turbine A-07 does not use a water or steam injection system for control, and was constructed after October 3, 1977 and before July 8, 2004. Pursuant to PSD Permit AZP 90-1, the permittee shall use a CEMS to meet the requirements of PSD. Pursuant to 40 CFR 60.334(c), a source may elect to, but is not required, to use a CEMS to meet the requirements of 40 CFR 60.332(a)(2). Compliance with the NOx emission limit in this NSPS is demonstrated by the operation of the CEMS.

(b) <u>New Source Performance Standard (NSPS) for Stationary Compression Ignition Internal Combustion Engines (40 CFR 60.4200-4219, Subpart IIII):</u>
On January 10, 2008, the New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines (40 CFR 60.4200-4219, Subpart IIII) were promulgated. This standard applies to stationary compression ignition internal combustion engines, that commenced construction or have been modified or reconstructed after July 11, 2005 and were manufactured after April 1, 2006. (In this subpart, commence construction is when the engine was ordered by the manufacturer.) This subpart does not apply to the engines at EPNG since they were installed prior to 2005, and have not been modified or reconstructed since July 11, 2005.

(c) <u>New Source Performance Standard (NSPS) for Stationary Spark Ignition Internal Combustion Engines (40 CFR 60.4230-4248, Subpart JJJJ):</u>
On January 10, 2008, the New Source Performance Standards (NSPS) for Stationary Spark Ignition Internal Combustion Engines (40 CFR 60.4230-4248, Subpart IIII) were promulgated. This subpart applies to stationary SI ICE that are manufactured on or after July 1, 2007 or modified or reconstructed after June 12, 2006. This subpart does not apply to the engines at EPNG since they were installed prior to June 12, 2006.

(d) <u>New Source Performance Standard (NSPS) for Stationary Combustion Turbines (40 CFR 60.4230-4248, Subpart KKKK):</u>
On January 10, 2008, the New Source Performance Standards (NSPS) for Stationary Combustion Turbines (40 CFR 60.4300-4420, Subpart KKKK) were promulgated. This subpart applies to stationary internal combustion turbines that commenced construction, modification, or reconstruction after February 18, 2005. This subpart does not apply to the engines at EPNG since they were installed prior to February 18, 2005.

(e) National Emission Standards for Hazardous Air Pollutants (NESHAP) for Oil and Natural Gas Production (40 CFR 63.760-779, Subpart HH):

This source does not meet the definition of oil and natural gas production facility as specified in 40 CFR 63.760(a). Therefore, this source is not subject to the requirements of NESHAP, Subpart HH.

(f) NESHAP for Natural Gas Transmission and Storage (40 CFR 63.1270-1287, Subpart HHH):

This source does not have glycol dehydration units, therefore, is not subject to the requirements in NESHAP, Subpart HHH, pursuant to 40 CFR 63.1270(c).

(g) NESHAP for Combustion Turbines (40 CFR 63.6080-63.6175, Subpart YYYY):

This source is an existing HAP major source. Turbine A-07 at this source was constructed before January 14, 2003 and is considered an existing turbine under this NESHAP, pursuant to 40 CFR 63.6090(a)(1). Pursuant to 40 CFR 63.6090(b)(4), existing stationary combustion turbines do not have to meet the requirements of 40 CFR 63, Subpart YYYY and of subpart A of 40 CFR 63. No initial notification is necessary for any existing stationary combustion turbine. Therefore, there are no requirements under this NESHAP applicable to turbine A-07.

(h) NESHAP for Reciprocating Internal Combustion Engines (40 CFR 63.6580 - 63.6675, Subpart ZZZZ):

This existing source is a HAP major source and has fifteen (15) reciprocating internal combustion engines (A-01 through A-06, B-01 through B-06, and AUX-01 through AUX-03). Therefore, engines A-01 through A-06, B-01 through B-06, and AUX-01 through AUX-03 are subject to the requirements of NESHAP, Subpart ZZZZ. On January 10, 2008, Subpart ZZZZ was revised to extend coverage to RICE that are less than 500 bhp and to RICE of all sizes that are located at area sources of HAP.

The existing engines (A-01 through A-06, B-01 through B-06, and AUX-01 through AUX-03) at this source were constructed before December 19, 2002. Therefore, these engines are considered existing affected emission units under this NESHAP, pursuant to 40 CFR 63.6590(a)(1). Engines A-01 through A-06 and B-01 and B-06 at this source are two-stroke lean-burn (2SLB) engines. Therefore, the emission limits and the operation limits under this NESHAP do not apply to these engines, pursuant to 40 CFR 63.6600(c). No initial notification for these units are required pursuant to 40 CFR 63.6590(b)(3).

Engines AUX-01 through AUX-03 are existing 4-stroke rich-burn (4SRB) engines subject to the requirements of NESHAP, Subpart ZZZZ, which has a compliance

date of June 15, 2007. Engines AUX-01 through AUX-03 are in compliance with this subpart. Pursuant to 40 CFR 63.6600, engines AUX-01 through AUX-03 are subject to the emissions limitations in Table 1a of 40 CFR 63 Subpart ZZZZ, and the operational requirements in Table 1b of this subpart. These requirements include limitations on formaldehyde (either an exhaust concentration or a percentage reduction in emissions), initial and periodic performance testing, monitoring, recordkeeping, and reporting. Non-selective catalytic reduction (NSCR) is required to satisfy the limitations on formaldehyde.

Pursuant to 40 CFR 63, Subpart ZZZZ engines AUX-01 through AUX-03 are subject to the following requirements:

(a) 40 CFR 63.6580
(b) 40 CFR 63.6585
(c) 40 CFR 63.6590
(d) 40 CFR 63.6595(a)(1)
(e) 40 CFR 63.6600(a)
(f) 40 CFR 63.6605
(g) 40 CFR 63.6610(a),(d)
(h) 40 CFR 63.6615
(i) 40 CFR 63.6620(a)-(e) and (i)
(j) 40 CFR 63.6625(b)
(k) 40 CFR 63.6630
(l) 40 CFR 63.6635
(m) 40 CFR 63.6640
(n) 40 CFR 63.6645(a), (f)-(h)
(o) 40 CFR 63.6650
(p) 40 CFR 63.6655(a),(b), and (d)
(q) 40 CFR 63.6660
(r) 40 CFR 63.6675

Non-applicable portions of 40 CFR 63, Subpart ZZZZ are not included in this permit.

On September 21, 2007, EPA approved an alternative to the monthly pressure drop monitoring requirement per 40 CFR 63.6640(a), Table 6. Per 40 CFR 63.8(f)(2) and approval letter from the US EPA, the following alternative monitoring method is approved:

"If an engine does not operate during a given calendar month or does not achieve 100 percent load (+/- 10 percent) for a given month, the permittee will forego start-up of the engine, or increase in the load solely for the purpose of recording pressure drop. On such occasion, the permittee will record the pressure drop the first time the engine is started and operates in the specified load range for at least 24 hours."

This approval has been incorporated in the Part 71 renewal.

(i) Acid Rain Program (40 CFR 72 through 40 CFR 80)

This source does not have any affected units specified in 40 CFR 72.6(a). Therefore, the turbines at this source are not subject to requirements of Acid Rain Program (40 CFR 72 through 40 CFR 80).

(j) Continuous Assurance Monitoring (CAM) Program (40 CFR 64)

None of the emission units at this source use an add-on control device as defined in 40 CFR 64.1. Therefore, the requirements of 40 CFR 64 (CAM) are not applicable.

(k) Asbestos NESHAP (40 CFR 61, Subpart M):

The permittee is subject to the requirements of Asbestos NESHAP and the applicable requirements are specified in the permit document.

(l) Protection of Stratospheric Ozone (40 CFR 82):

The permittee is subject to the requirements of 40 CFR 82 and the applicable requirements are specified in the permit document.

**Summary of Applicable Federal Requirements**

| Federal Air Quality Requirement | Current or Future Requirement |
|---|---|
| NSPS, Subpart GG | Current |
| Asbestos NESHAP (40 CFR 61, Subpart M) | Current |
| RICE NESHAP (40 CFR 63, Subpart ZZZZ) | Current |
| Protection of Stratospheric Ozone (40 CFR 82) | Current |

**6. Endangered Species Act**

Pursuant to Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536, and its implementing regulations at 50 CFR Part 402, USEPA is required to ensure that any action authorized, funded, or carried out by USEPA is not likely to jeopardize the continued existence of any Federally listed endangered species or threatened species or result in the destruction or adverse modification of such species' designated critical habitat. NNEPA is issuing this federal Part 71 permit pursuant to a delegation from USEPA. However, this permit does not authorize the construction of new emission units, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations. Therefore, NNEPA and USEPA have concluded that the issuance of this permit will have no effect on listed species or their critical habitat.

**7. Use of All Credible Evidence**

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source, NNEPA, and U.S. EPA in such determinations.

**8. Permit Shield**

On February 25, 2008, El Paso Natural Gas requested a Permit Shield to cover conditions from PSD Permit AZP 90-1. These conditions have been incorporated into this Part 71 renewal under Section II.A and Conditions II.B.4, IV.S, IV.T, and IV.U. Permitting authorities may grant permit shields at their discretion under two circumstances. A permitting authority may grant a shield from an applicable requirement if it has been incorporated into the permit, or if the permitting authority determines that a requirement is not applicable to the source. Since all applicable requirements from PSD Permit AZP 90-1 have been incorporated into this Part 71 Renewal, NNEPA has granted the Permit Shield.

**9. NNEPA Authority**

Authority to administer the Part 71 Permit Program was delegated to the Navajo Nation EPA by USEPA Region IX in part on October 13, 2004 and in whole on March 21, 2006.

**Public Participation**

**a. <u>Public Notice</u>**

As described in 40 C.F.R. § 71.11(a)(5) and Navajo Nation Operating Permit Regulations ("NNOPR") Subpart IV § 403(A), all draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 C.F.R. § 71.11(d) and

NNOPR Subpart IV.

There is a 30 day public comment period for actions pertaining to a draft permit. Public notice was given for this draft permit by mailing a copy of the notice to the permit applicant, the Navajo Nation Environmental Protection Agency, and the affected state (Arizona). A copy of the notice was also be provided to all persons who submitted a written request to the following address to be included on the mailing list.

Charlene Nelson
Navajo Nation Operating Permit Program
P.O. Box 529
Fort Defiance, AZ 86504

E-mail: charlenenelson@navajo.org

Public notice also was published in [specify paper].

**b. Opportunity for Comment**

Members of the public were provided the opportunity to review a copy of the draft permit prepared by NNEPA, this statement of basis for the draft permit, the application, and all supporting materials submitted by the source at:

Navajo Nation Air Quality Control Program
Route 112 North, Bldg No. F004-51
Fort Defiance, AZ 86504

Copies of the draft permit and this statement of basis could also be obtained free of charge from NNEPA's website

www.navajonationepa.org/airqty/permits

or by contacting Charlene Nelson at the NNAQCP address listed above or by telephone at (928) 729-4247. All documents were available for review at the NNAQCP office indicated above during regular business hours.

Any comments on the draft permit, were required to be submitted during the 30-day public comment period. All comments received during the public comment period and all comments made at any public hearing were considered in arriving at a final decision on the permit. The final permit is a public record that can be obtained by request. A statement of reason for changes made to the draft permits and responses to comments received will be sent to persons who commented on the draft permit.

If you believe that any condition of the draft permit is inappropriate, you must raise all reasonably ascertainable issues and submit all argument supporting your position

by the end of the comment period. Any supporting documents must be included in full and may not be incorporated by reference, unless they are already part of the administrative record for this permit or consist of tribal, state or federal statutes or regulations, or other generally available referenced materials.

**c. Opportunity to Request a Hearing**

An opportunity was provided to submit a written request for a public hearing to Charlene Nelson, at the address listed in Section 7(a) above, by stating the nature of the issues to be raised at the public hearing. Because no hearing requests were received a hearing did not take place [I'm assuming this is correct, but if not please change],

**d. Mailing List**

If you would like to be added to our mailing list to be informed of future actions on this or other Clean Air Act permits issued on the Navajo Nation, please send your name and address to Charlene Nelson at the address listed above.